

United States District Court

Eastern District of California

George E. Cross,

Plaintiff,

No. Civ. S 05-0258 FCD PAN P

vs.

Order

M. Wilcox,

Defendant.

-oOo-

Plaintiff filed his complaint February 9, 2005, and defendant answered June 16, 2005. June 30, 2005, plaintiff filed an amended complaint.

After a defendant has filed an answer, a party must seek leave of court to amend his pleading and leave freely shall be granted when justice so requires. Fed. R. Civ. P. 15(a).

Plaintiff has not requested leave to file an amended complaint. Accordingly, the June 30, 2005, first-amended complaint is stricken and the clerk of the court shall make a

1 note to that effect on the document.

2 So ordered.

3 Dated: July 12, 2005.

4 /s/ Peter A. Nowinski

5 PETER A. NOWINSKI

6 Magistrate Judge

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